

No. 11(112)-80-3Lab/10016.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Gases and Equipments (India) Pvt. Ltd., Plot No. 15, Gurgaon.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER,
LABOUR COURT, HARYANA, FARIDABAD.

Reference No. 215 of 1980

between

SHRI PREM SINGH, WORKMAN AND THE MANAGEMENT OF M/S GASES AND
EQUIPMENTS (INDIA) PVT. LTD., PLOT NO. 15, GURGAON

Present :—

Shri Shardha Nand, for the workman.

Shri M. P. Gupta, for the management.

AWARD

This reference No. 215 of 1980 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/20-80/18647, dated 23rd April, 1980, under section 10(i) (c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Prem Singh, workman and the management of M/s Gases and Equipments (India) Pvt. Ltd, Gurgaon. The term of the reference was:—

Whether the termination of services of Shri Prem Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. On the last date of hearing, the representative of the workman Shri Shardha Nand made a statement in this court that the workman had mutually settled his case with the respondent management and also received a sum of Rs. 410 (Rs. Four hundred and ten only) in full and final settlement of his all claims including the rights of re-instatement or re-employment. He further stated that now there is no dispute left with the respondent management. This statement was duly agreed to by the representative of the management.

In view of the statements given by both the parties, I give my award that there is no dispute between the parties as the parties have settled the dispute. No order as to costs. So this award is in answer of this reference.

Dated the 22nd August, 1980

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1578, dated 25th August, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above-said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-3Lab./10018.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Partap Steel Refractory Division, Plot No. 74, Sector 25, Ballabgarh.

IN THE COURT OF SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 32 of 1980

between

SHRI JASWANT SINGH, WORKMAN AND THE MANAGEMENT OF M/S PARTAP
STEEL REFRACTORY DIVISION, PLOT No. 74, SECTOR 25, BALLABGARH

Present :

None for the workman.

Shri S. C. Malik, Time Office Incharge along with

Shri K. P. Aggarwal, for the management.

AWARD

This reference No. 32 of 1980 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/9-80/3772, dated 23rd January, 1980, under section 10(1) (c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Jaswant Singh, workman and the management of M/s. Partap Steel Refractory Division, Plot No. 74, Sector 25, Ballabgarh. The terms of the reference was—

“Whether the termination of services of Shri Jaswant Singh was justified and in order? If not, to what relief is he entitled?”

After receiving this reference notices were issued to both the parties who appeared and filed their pleadings. On 26th February, 1980, the issues were framed by my predecessor. Then the case was fixed for the evidence of the workman. On 1st August, 1980 the representative of the workman Shri P. K. De had withdrawn from this reference voluntarily. In these circumstances, I had to proceed *ex-parte* against the workman and the case was fixed for the *ex-parte* evidence of the management for 4th August, 1980.

On 4th August, 1980 the *ex-parte* evidence of the management was recorded. The management produced Shri S.C. Malik, Time Office Incharge of the respondent management, its sole witness as MW-1. He made a statement that Shri Jaswant Singh approached the management for settlement and a settlement under section 18 (1) of the Industrial Disputes Act, 1947, had been arrived at between the parties. The settlement copy of Shri Jaswant Singh is Ex. M-1. According to this settlement the workman Shri Jaswant Singh has taken his full and final dues from the management, photo copy of which is Ex. M-2. He further stated that the workman has also foregone the right of re-instatement or re-employment with the management as per terms and condition of the settlement. He has also stated that now there is no dispute left between the parties.

In view of the un-rebutted *ex-parte* evidence produced by the management. I am left with no choice except to believe the version of the management. Over and above this my finding gets support from the absention of the workman in the proceedings in this court in this reference. I feel that the workman had settled his disputes with the respondent management and no claim is made out of the workman against the management. I give my award accordingly. No order as to costs. This may be read in answer of this reference.

Dated 22nd August, 1980.

I. P. CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1586, dated 25th August, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above-said award may pleased be acknowledged within week's time.

I. P. CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

The 12th September, 1980

No. 11(112)-80-3Lab./10108.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Premier Auto Industries, Faridabad :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 432 of 1978

between

SHRI RANJEET SINGH, WORKMAN AND THE MANAGEMENT OF M/S PREMIER AUTO
INDUSTRIES, FARIDABAD

Present :—

Shri P. K. De, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/42046, dated 18th September, 1978, the Governor of Haryana referred the following dispute between the management of M/s Premier Auto Industries, Faridabad and its workman Shri Ranjeet Singh, to this Tribunal, for adjudication. In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ranjeet Singh was justified and in order ?
If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 28th May, 1979 :—

- (1) Whether the workman was employed on casual basis? If so, its effect?
- (2) Whether the termination of services of workman was justified and in order?
- (3) Relief.

And the case was fixed for the evidence of the management. The management examined Shri Virender, Manager of the factory as MW-1 and closed their case. Then the case was fixed for the evidence of the workman. The workman was granted many opportunities but he did not produce any evidence. Now I give my finding issues-wise :—

Issues Nos. 1 and 2.—Shri Virender, Factory Manager, stated that the workman joined services according to the attendance register on 1st April, 1978 and served upto 29th May, 1978. The workman was employed on purely temporary basis. In cross-examination he stated that their factory was a small unit employing only 11-12 workmen. He was retrenched and paid Rs 450 as his full and final payment in the presence of Labour Inspector. Therefore, in the absence of any other evidence, I decide issues Nos. 1 and 2 in favour of the management. The workman was employed on casual basis and termination of his services was justified and in order.

Issue No. 3.—The workman is not entitled to any relief.

While answering the reference, I give my award that the termination of services of the workman was justified and in order. The workman is not entitled to any relief.

Dated the 18th August, 1980.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 775, dated the 27th August, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-80-3Lab/10111.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Rattan Chand Harjas Rai (Mouldings) (P) Limited, NIT, Faridabad:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 79 of 1978

Between

SHRI BEER BAHADUR, WORKMAN AND THE MANAGEMENT OF M/S RATTAN CHAND-
HARJAS RAI (MOULDINGS) (P) LIMITED, NIT FARIDABAD

Present :—

Shri Amar Singh Sharma, for the workman.
Shri K. P. Agrawal, for the management.

AWARD

By order No. ID/FD/992-B-76/12232, dated 23rd March, 1978, the Governor of Haryana referred the following dispute between the management of M/s Rattan Chand-Harjas Rai (Mouldings) (P) Limited, NIT, Faridabad and its workman Shri Beer Bahadur, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Beer Bahadur was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, term of reference was put under issue and the case was fixed for the evidence of the management. The management examined Shri Rattan Bhushan, their Works Director as MW-1 and closed their case. Then the case was fixed for the evidence of the workman. The workman was granted many opportunities to produce his evidence but he did not produce any. Now I give my finding on issue No. 1.

Issue No. 1.—MW-1 stated that the workman was appointed.—*vide* appointment letter Ex. M-1 which bears signature of the workman. He further stated that his work was not satisfactory. Therefore his services were terminated,—*vide* letter Ex. M-3, which also bears signature of the workman. I find that according to Ex. M-1 the workman was appointed as a trainee. Training period was for two years. Ex. M-3 states that the workman was not required to continue further in the training and therefore, the contract of training was terminated. In these circumstances, I find that this is not a case of termination of services of the workman, rather it is termination of contract of training. Therefore I decide issue No. 1 in favour of the management. The workman is not entitled to any relief. While answering the reference, I give my award that the termination of services of the workman was justified and in order. He is not entitled to any relief.

Dated the 18th August, 1980.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 776, dated the 27th August, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11 (112)-80-3Lab/10115.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Expo Enterprises, Sector 24, Faridabad:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 179 of 1979

between

SHRI KRISHNA PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S. EXPO ENTERPRISES, SECTOR-24, FARIDABAD

Present.—

Shri B.N. Gupta, for the workman.
Shri B.R. Grover, for the management.

AWARD

1. By order No. 75-79/25240, dated the 13th June, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Expo Enterprises, Sector-24, Faridabad and its workman Shri Krishna Parshad, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Krishna Parshad was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 8th November, 1979:—

- (1) Whether the settlement marked "A" was executed by the workman?
- (2) Whether the workman executed the receipt mark "B" and received a sum of Rs 600 only,—*vide* the said receipt.

And the case was fixed for the evidence of the management. The management examined Shri Suraj Bhan Sharma, Labour Inspector as MW-1 and closed their case. The workman did not appear and the case was proceeded *ex-parte* against the workman. Arguments were heard but *ex-parte*. I now give my finding issues-wise:—

Issues Nos. 1 and 2.—Ex. M-1 was produced by Shri Labour Inspector as MW-1. The settlement is under section 18(1) of the Industrial Disputes Act. This is signed by the workman concerned. According to it the workman agreed to receive Rs 462-58 as *ex-gratia* payment in full and final settlement of all his claims. Ex. M-2 is receipt signed by the workman for Rs 600 including his earned wage and leave benefits. This receipt is witnessed by Shri Suraj Bhan, Labour Inspector, Faridabad. Both the documents are reliable. The workman did not produce himself as witness even in the proceedings. Therefore, these issues are decided in favour of the management.

While answering the reference, I give my award that the termination of services of the workman was justified and in order. The workman is not entitled to any relief.

The 19th August, 1980.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 781, dated the 27th August, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-80-3Lab./10143.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Maheshwari Fastner Private Limited, 14/6, Mile Stone, Mathura Road, Faridabad and M/s Maheshwari Wire Industries, 14/6, Mile Stone, Mathura Road, Faridabad:—

**BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 225 and 226 of 1977

between

**THE WORKMEN AND THE MANAGEMENT OF M/S MAHESHWARI FASTNER PRIVATE
LIMITED, 14/6 MILE STONE, MATHURA ROAD, FARIDABAD AND M/S MAHESHWARI
WIRE INDUSTRIES, 14/6 MILE STONE, MATHURA ROAD, FARIDABAD**

Present:—

Shri P. K. De, for the workmen.

Shri S. L. Gupta, for the management.

AWARD

By order No. ID/FD/77/51798, dated 21st December, 1977 and ID/FD/77/51784, dated 21st December, 1977, the Governor of Haryana referred the following disputes between the management of M/s. Maheshwari Fastner Private Limited, 14/6 Mile Stone, Mathura Road, Faridabad, and M/s. Maheshwari Wire Industries, 14/6 Mile Stone, Mathura Road, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

- (1) Whether the minimum wages of unskilled workmen should be fixed @ Rs. 200 P. M. and it should be linked with Consumer Price Index Numbers? If so, with what details?

- (2) Whether the difference between wages of unskilled, semi-skilled, skilled and highly skilled should be in the ratio of 1 : 1½ : 2 : 2½ ? If not, to what relief the workmen are entitled to ?
- (3) Whether grades of the workmen should be framed ? If so, with what details ?
- (4) Whether the clerical staff should be paid wages higher than the skilled workmen ? If so, with what details ?
- (5) Whether the clerical staff should be paid additional allowances for doing various other jobs other than the clerical jobs ? If so, with what details ?
- (6) Whether workmen are entitled to *ad hoc* increase in wages ? If so, with what details and from which date ?
- (7) Whether the workmen are entitled to the grant of casual leave medical leave, special leave and festival holidays ? If so, with what details ?
- (8) Whether the workmen should be given leave travel concession ? If so, with what details ?
- (9) Whether the workmen should be granted house rent allowance ? If so, with what details and from which date ?
- (10) Whether the workmen are entitled to grant of bonus/incentive bonus for the year 1975-76 ? If so, with what details ?
- (11) Whether Canteen should be started in the factory or allowance paid in lieu thereof ? If so, with what details ?
- (12) Whether the workmen should be supplied with uniforms ? If so, with what details ?
- (13) Whether workmen are entitled for wages for the period of look-out ? If so, with what details ?
- (14) Whether the workmen should be paid over-time wages at double the rate of ordinary wages ? If so, with what details ?
- (15) Whether the workmen should be supplied Milk, Gur, Shoes and Gloves ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 30th May, 1978:—

1. Whether the dispute has been espoused by a substantial number of workmen ?
2. Whether the Faridabad Kamgar union has locus standi to raise the demand and pursue the dispute (onus objected to) ?
- 3 to 17 as per term of reference.

And the case was fixed for the evidence of the workmen on issues No. 1 and 2 which were tried as preliminary. The workmen examined Shri Dinesh Parshad as WW-1. Then they were granted many opportunities to lead their evidence. At last their representative produced documents Ex. W-1 to W-3 and closed their case. Then case was fixed for the evidence of the management who examined Shri M.C. Somani Commercial Manager and closed their case. These two references were consolidated,—*vide* order, dated 24th July, 1979 their being common question of law and facts, issues in both the cases also being the same. Arguments were heard. I now give my finding on issues No. 1 and 2.

Issues No. 1 and 2.—WW-1 stated that he had raised the demand forming disputes to these references. Negotiations had taken place but no settlement arrived at. He stated that there were 100 workmen in the factory. He did not state anything further regarding espousal of the demand or regarding representative character of his union. In cross examination he stated that he had no knowledge of the conciliation meeting and also that he did not attend any conciliation meeting. He did not produce any letter of authority or resolution raising the demand. So much so he did not state whether his union raised any demand with the management or conciliation authorities. Therefore, I hold that the workman have failed miserably to discharge their burden on issues No. 1 and 2. therefore, these issues are decided against the workman.

Issues No. 3 to 17.—On the adverse finding on issues No. 1 and 2, the discussion on other issues will be futile.

While answering the reference, I give my award that the workmen are not entitled to any relief.

Dated 27th August, 1980.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 795, dated the 28th August, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.